

### **REMARKS**

Upon entry of the foregoing amendments, claims 23-30 remain pending.

Applicant appreciates the telephone interview between the undersigned attorney and the Examiner on January 5, 2006, relating to a discussion of revisions to the punctuation in claims 23 and 26 and the language relating to the relocation of "into an isolated host cell" in claim 26.

In addition to making the amendments discussed during the telephone interview, the foregoing amendments also amend parts (b) and (e) of claims 23 and 26 to remove redundant language, and part (e) in claims 23 and 26 to use the indefinite article "a" instead of the definite article "the" introducing the phrase "nucleotide sequence that is complementary to SEQ ID NO: 2", for clarity. Thus, no new matter has been added and the scope of the allowed claims has not been altered.

Applicant also appreciates the telephone interview between the undersigned attorney and the Examiner on February 15, 2006, relating to a discussion of the amendments made necessary by Applicant's discovery of simple mistakes in the nucleotide sequence listing of SEQ ID NO:2, which necessitated a revision also of the amino acid sequence listing of SEQ ID NO:1. These sequence listings have been corrected at page 11 of the application and in the replacement amended paper and computer readable format (CRF) sequence listings submitted herewith. Also submitted herewith is a Declaration of Nobuya Itoh Regarding Replacement Sequence Listings (the "Itoh Declaration"), and its attachments, which explain how the mistakes occurred, and specifically pointing out the amendments to each of SEQ ID NOs:1 and 2. As noted in paragraph 6 of the Itoh Declaration, since the DNA of SEQ ID NO:2 is from the same *Leifsonia* sp. S-749 (Accession No. of International Depository Authority: FERM BP-8291) as set forth in the application, no new matter has been added by correcting the nucleotide sequence of the DNA in SEQ ID NO:2. The same reasoning applies to the amino acid sequence listing of SEQ ID NO:1, as noted in paragraph 7 of the Itoh Declaration.

Entry of the foregoing amendments is respectfully solicited.

Application No. 10/782,998  
Reply to Examiner's Amendment of December 22, 2005

If any issues remain, the Examiner is invited to contact the undersigned attorney by telephone to discuss this matter.

Respectfully submitted,

NOBUYA ITOH

March 9, 2006  
(Date)

By:

  
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Attachments:

Paper Sequence Listing (pages i-x)

Enclosures:

Request for Continued Examination

Declaration of Nobuya Itoh Regarding Replacement Sequence Listings, with 3 attachments;

Computer Readable Format (Diskette) Sequence Listing; and

Verified Statement.

**Amendments to the Sequence Listings:**

Please amend the paper sequence listing (beginning with the heading "Sequence Table" at page 63 through page 70 of the application that was amended in a Preliminary Amendment filed with the application on February 20, 2004, and the Computer Readable Format (CRF), which was also submitted with the Preliminary Amendment of February 20, 2004, by replacing the paper sequence listing with the attached paper sequence listing numbered from pages i- x, to be inserted following the Abstract, and the replacing the CRF with the enclosed CRF.

The sequence listing has been amended in SEQ ID NOs:1 and 2 as set forth in the third and second attachments, respectively, to the accompanying Declaration of Nobuya Itoh Regarding Replacement Sequence Listings. Additionally, the applicant noted in lines <110> has been changed from "Sumitomo Chemical Co., Ltd." and "Shinya ITO" to -Itoh, Nobuya-. A Verified Statement that the paper and CRF sequence listings are the same and that no new matter has been added also accompanies this Amendment.